

**PART 39—AIRWORTHINESS
DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002-18-01 Airbus: Amendment 39-12873. Docket 2001-NM-256-AD.

Applicability: Model A320 and A321 series airplanes, certificated in any category; having elevator part and serial numbers listed in Airbus Service Bulletin A320-55-1024, dated January 13, 1999; excluding those modified per Airbus Modification 23558.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage caused by water ingress into the elevator, which could lead to debonding of the elevator skins and degradation of the initial protection and consequent reduced structural integrity of the airplane, accomplish the following:

Inspection and Follow-on/Corrective Actions

(a) Within 18 months after the effective date of this AD, or within 10 years after the date of manufacture of the airplane, whichever occurs later: Perform a thermographic inspection to detect trapped water in the elevator sandwich structure, in accordance with Airbus Service Bulletin A320-55-1024, dated January 13, 1999.

(1) If no water is detected: Before further flight, reprotect the elevator in accordance with the service bulletin.

(2) If any water is detected: Before further flight, evaluate the damage, perform applicable repair of any damaged area, and reprotect the elevator, in accordance with the service bulletin. If any damage is detected for which the service bulletin specifies to contact Airbus for appropriate action: Before further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

Note 2: Airbus Service Bulletin A320-55-1024 refers to Airbus Service Bulletin A320-55-1022, Revision 01, dated March 30, 2001, as an additional source of service information

for enlarging the drainage holes in the elevator.

Spares

(b) As of the effective date of this AD, no person may install on any airplane an elevator having a part number and serial number listed in Airbus Service Bulletin A320-55-1024, dated January 13, 1999, unless the requirements of this AD have been accomplished on that elevator.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Manager, International Branch, ANM-116, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) Unless otherwise indicated in this AD, the actions shall be done in accordance with Airbus Service Bulletin A320-55-1024, dated January 13, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 2001-062(B), dated February 21, 2001.

Effective Date

(f) This amendment becomes effective on October 10, 2002.

Issued in Renton, Washington, on August 26, 2002.

Vi L. Lipski,

*Manager, Transport Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. 02-22175 Filed 9-4-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2001-NM-344-AD; Amendment 39-12874; AD 2002-18-02]

RIN 2120-AA64

**Airworthiness Directives; Boeing
Model 737-100, -200, -200C, -300,
-400, and -500 Series Airplanes**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes, that requires a one-time inspection to determine whether the lower bearing support of the aileron transfer mechanism directly below the first officer's control column has a "pocket," and follow-on corrective actions, if necessary. The actions specified by this AD are intended to prevent jamming of the first officer's control wheel due to the presence of a foreign object on the lower bearing support of the transfer mechanism, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective October 10, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 10, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Doug Tsuji, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1506; fax (425) 227-1181.

Other Information: Sandi Carli, Airworthiness Directive Technical Editor/Writer; telephone (425) 687-4243, fax (425) 227-1232. Questions or comments may also be sent via the

Internet using the following address: sandi.carli@faa.gov. Questions or comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes was published in the **Federal Register** on February 11, 2002 (67 FR 6212). That action proposed to require a one-time inspection to determine whether the lower bearing support of the aileron transfer mechanism directly below the first officer's control column has a "pocket," and follow-on corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposed AD

One commenter fully supports the proposed actions.

Request To Revise Cost Impact

Two commenters (the manufacturer and an operator) request that the proposed AD be revised to include estimated costs necessary to replace the lower bearing support, which would be required if a pocket is found. The commenters consider this information important in this case although they recognize that such conditional requirements are not always included in the Cost Impact section of AD actions. The operator cites existing AD 2002-04-08, amendment 39-12665 (67 FR 9395, March 1, 2002), as an example of an AD that does include costs associated with correcting a discrepant condition. Although the replacement is not mandatory on all airplanes (*i.e.*, not all airplanes will have the discrepant condition), the commenters expect a considerable number of airplanes to have a pocket on the lower bearing support, requiring replacement. The operator adds that, based on service experience, a more realistic work-hour estimate is 20 to 28 work hours, rather than the 8.5 work hours specified by the alert service bulletin.

The FAA partially agrees. Because the discrepant condition is expected to be found on a considerable number of airplanes, the FAA recognizes that information regarding the estimated cost to replace the lower bearing support

would be helpful for operators in planning and scheduling the work. The Cost Impact section in the final rule has been revised accordingly. However, those costs may vary from operator to operator based on work hours required; this AD reflects the work hour estimate specified in Boeing Alert Service Bulletin 737-27A1238, described in the proposed AD.

Request To Revise Compliance Time for Follow-on Actions

Boeing requests an extension of the proposed compliance time for the follow-on actions specified by paragraph (b) of the proposed AD. As stated, that paragraph would have required replacement or modification of the lower bearing support before further flight after a pocket is detected. Boeing suggests that a period of 3 months (after a pocket is detected) will satisfy the intent of the proposed AD and allow operators adequate time to order the parts and schedule the work. Boeing adds that the presence of a pocket by itself does not cause the first officer's control wheel to jam.

The FAA agrees with Boeing's request and rationale to extend the compliance time. In further justification, the FAA notes that there are system overrides between the captain's and first officer's control wheels that allow for aileron control if the first officer's control wheel jams. In light of this situation, and in consideration of the Model 737 service history, the FAA has determined that allowing 3 months to initiate the required follow-on actions will accommodate the time necessary for affected operators to order, obtain, and install the required parts—without adversely affecting safety. The compliance time in paragraph (b) of the final rule has been revised accordingly.

Request To Revise Certain Conditional Requirements

Boeing requests that the proposed corrective action for cracking and non-normal resistance (paragraph (c) of the proposed AD) be revised to cite specific methods of repair, rather than requiring FAA approval for repair methods. Boeing suggests that the FAA require that any cracked bearing support be replaced with a new, improved part; and that any non-normal resistance be fixed according to established Boeing Aircraft Maintenance Manual (AMM) procedures. Boeing suggests this change may reduce the delays often associated with pending FAA approval of repair methods.

The FAA agrees with the request, finding that procedures in the alert service bulletin and AMM adequately

define the necessary follow-on corrective actions. Directing operators to these specific references for corrective action will reduce the workload for operators and the FAA by eliminating the need to request and approve alternative methods of compliance. The final rule has been revised to require replacement of cracked bearing supports according to the alert service bulletin and repair of any non-normal resistance according to the Boeing 737 AMM.

Request To Revise Spares Paragraph

One commenter requests that paragraph (d) ("Spares") of the proposed AD be revised to distinguish actions that apply to the "lower bearing support" from those that apply to the "aileron transfer mechanism" (the higher level assembly of the bearing support). According to the commenter, the part numbers (P/Ns) for the aileron transfer mechanism (P/Ns 65-54200-6 through -8), using lower bearing supports (P/N 65-55476-1 or 65-55476-9), should also be prohibited from installation after the effective date of the AD. The commenter adds that the alert service bulletin does not provide instructions for accomplishing the inspection and corrective action for the higher assembly aileron transfer mechanisms. The operator states that operators' inventory tracking systems may not track the lower-level (P/N 65-55476-1 or 65-55476-9) lower bearing supports, but will track the higher assembly (P/Ns 65-54200-6 through -8) aileron transfer mechanisms. The commenter notes that it is possible that higher assembly aileron transfer mechanisms with lower bearing supports with pockets may be installed in airplanes.

The FAA does not agree with the request to revise paragraph (d) of this AD. The Boeing Component Maintenance Manuals (CMMs) and Illustrated Parts Catalogs (IPCs) show that a lower bearing support having P/N 65-55476-9 is used on aileron transfer mechanisms having P/Ns 65-54200-6 through -8. The FAA finds that, even if some operators' tracking systems did not list the 65-55476 "dash" numbers, those operators would find them in the CMMs and IPCs. The intent of paragraph (d) of the AD is to prohibit the lower bearing supports (P/Ns 65-55476-1 and 65-55476-9) from being installed after the effective date of the AD. No change to the final rule is necessary in this regard.

Clarification of Modification Requirements

After reviewing paragraph (b) of the proposed AD, the FAA finds it

necessary to distinguish the actions associated with the modification from those associated with the optional bearing support replacement. The final rule separates paragraph (b)(1) into two subparagraphs to reflect the two options, and clarifies in paragraph (b)(2) that follow-on actions must be done following either the modification or the replacement.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 3,101 Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,244 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$74,640, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

If a lower bearing support is found to have a pocket, the FAA estimates that it will take about 9 work hours per airplane to remove the discrepant parts and replace them with acceptable parts. Required replacement parts would cost an estimated \$931. Based on these figures, the cost impact of this AD is estimated to be increased by \$1,471 for an airplane having a pocket.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States,

or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002-18-02 Boeing: Amendment 39-12874. Docket 2001-NM-344-AD.

Applicability: Model 737-100, -200, -200C, -300, -400, and -500 series airplanes; line numbers 1 through 3132 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of the first officer's control wheel due to the presence of a foreign object on the lower bearing support of the transfer mechanism for the aileron, which could result in reduced controllability of the airplane, accomplish the following:

Detailed Inspection

(a) Within 2 years after the effective date of this AD, do a one-time detailed inspection to determine whether the lower bearing support of the aileron transfer mechanism directly below the first officer's control column has a "pocket," according to Boeing Alert Service Bulletin 737-27A1238, dated July 13, 2000. (The upper surface has a raised stop at the end opposite the rig pin hole.) If no pocket is found, no further action is required by this AD.

Note 2: "Pocket" is the term given to the area on the upper surface of the lower bearing support, aft of the bearing in the area of the rig pin holes, that is surrounded by the ribs of the lower bearing support.

Note 3: For the purposes of this AD, a detailed inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Follow-On Actions

(b) If a pocket is found on the lower bearing support of the transfer mechanism for the aileron during the inspection required by paragraph (a) of this AD: Within 3 months after the inspection, do paragraphs (b)(1) and (b)(2) of this AD according to Boeing Alert Service Bulletin 737-27A1238, dated July 13, 2000, except as provided by paragraph (c) of this AD.

(1) Do the actions specified by either paragraph (b)(1)(i) or (b)(1)(ii) of this AD.

(i) Do all actions associated with the modification of the ribs of the lower bearing support (including performing a dye-penetrant inspection for cracking of the lower bearing support and any necessary corrective actions, machining the ribs, and changing the part number of the lower bearing support); or

(ii) Replace the lower bearing support with a new, improved support.

(2) Do the follow-on actions to the modification or replacement required by paragraph (b)(1) of this AD, including a functional test of the transfer mechanism, a test of the aileron control mechanism for interference, and corrective actions, if necessary.

Corrective Actions

(c) If any cracking of the lower bearing support is found during the dye-penetrant inspection specified in paragraph (b)(1)(i) of this AD: Before further flight, replace the cracked part either with a new part that does not have a pocket or with a reworked, crack-free part, according to Boeing Alert Service

Bulletin 737-27A1238, dated July 13, 2000. If any resistance is found during the test of the aileron control mechanism required by paragraph (b)(2) of this AD: Before further flight, fix the resistance according to established Boeing 737 Aircraft Maintenance Manual procedures.

Spares

(d) As of the effective date of this AD, no person may install a lower bearing support, part number 65-55476-1 or 65-55476-9, on any airplane, unless the actions specified in paragraphs (a), (b), and (c) of this AD, as applicable, have been accomplished.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) Except as required by paragraph (c) of this AD: The actions shall be done in accordance with Boeing Alert Service Bulletin 737-27A1238, dated July 13, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on October 10, 2002.

Issued in Renton, Washington, on August 26, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 02-22177 Filed 9-4-02; 8:45 am]

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DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Final Rule; Amendment to the Delaware River Basin Commission's Administrative Manual—Rules of Practice and Procedure Concerning Fees Associated With Freedom of Information Act Requests

AGENCY: Delaware River Basin
Commission.

ACTION: Final rule.

SUMMARY: The Delaware River Basin Commission's ("Commission's") schedule of fees associated with responses to requests for information under FOIA was promulgated in 1975 and has not been updated since. Over the past quarter of a century, computer technologies have introduced new methods of recording and reproducing information that were not contemplated by the 1975 regulation, and administrative costs have increased. This action amends the Commission's *Administrative Manual—Rules of Practice and Procedure* to reflect current technologies and costs associated with responding to Freedom of Information Act requests.

DATES: This rule is effective September 5, 2002.

ADDRESSES: The complete *Administrative Manual—Rules of Practice and Procedure* as amended is available on the Commission's Web site at <http://www.drbc.net> or upon request from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, NJ 08628-0360.

FOR FURTHER INFORMATION CONTACT: For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, 609-883-9500 ext. 203.

SUPPLEMENTARY INFORMATION: On March 20, 2002 the Commission published on its web site a Notice of Proposed Rulemaking to amend the fee schedule associated with Commission responses to Freedom of Information Act ("FOIA") requests. Notice was published in the **Federal Register** on March 15, 2002 (67 FR 11680), the *Delaware Register of Regulations* on April 1, 2002, the *New Jersey Register* on April 15, 2002, the *New York State Register* on March 13, 2002 and the *Pennsylvania Bulletin* on March 30, 2002. A public hearing was held on May 31, 2002, and the public was invited to comment, either in person at the hearing or in writing through the close of the hearing. No written or oral comments were received.

The Commission approved the amended rule, as proposed, at the conclusion of its hearing on May 31, 2002.

List of Subjects in 18 CFR Part 401

Freedom of information.

For the reasons set forth in the preamble, amend part 401 of title 18 of the Code of Federal Regulations as follows:

PART 401—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for subpart H of part 401 is revised to read as follows:

Authority: 5 U.S.C. 552.

2. In § 401.110, revise paragraph (a) to read as follows:

§ 401.110 Fees.

(a) Unless waived in accordance with the provisions of § 401.111, the following fees shall be imposed for production of any record pursuant to this part.

(1) *Administrative fees.* (i) Charges for administrative fees include staff time associated with:

- (A) Processing FOIA requests;
- (B) Locating and reviewing files;
- (C) Monitoring file reviews;
- (D) Generating computer records (electronic print-outs); and
- (E) Preparing logs of records deemed non-public.

(ii) Administrative charges will be calculated as follows: Administrative charges will be billed to the requester per quarter hour following the first quarter hour. These charges will be billed at the current, hourly paygrade rate (pro-rated for quarter hour increments) of the personnel performing the service. Administrative charges will be in addition to any copying charges.

(iii) Appointment rescheduling/cancellation. Requesters that do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the administrative charges incurred by the Commission in preparing the requested records. The Commission will prepare an itemized invoice of these charges and mail it to the requester for payment.

(2) *Photocopying fees.* The following are charges for photocopies of public records made by Commission personnel:

(i) *Standard sized, black and white copies.* The charge for copying standard sized, black and white public records shall be \$0.15 per printed page (*i.e.*, single-sided copies are \$0.15 and double-sided copies are \$0.30). This charge applies to copies on the following standard paper sizes:

- (A) 8.5" × 11";